IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15434 of 2005

Between:

Aravapalli Sambasiva Rao, s/o late Venkateswara rao,
R/o Iluru Lanka, Thotlavalluru Mandal, Krishna District.

..... PETITIONER

AND

1 The District Collector, Krishna, Machilipatnam.
2 The Joint Collector, Machilipatnam, Krishna District.
3 The Sub Collector, Vijayawada, Krishna District.
4 The Mandal Revenue Officer, Thotlavalluru Mandal, Thotlavalluru, Krishna District.
5 The Assistant Director of Survey, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents 3 and 4 in displaying public notice in Illuru Village vide Roc.M.S.No.208/2004 dated 6-6-2005 is arbitrary, bad and illegal and violative of Article 300-A of the Constitution and violative of principles of natural justice, consequently set aside the same by directing the respondents not to interfere with the petitioners land in Survey No.1 to 5 and 7 to 10 vide patta No.1 and 2 of Malkapally village and in Survey No.80 to 101 and 116 to 118 vide patta No.205 of Illuru Village, Thotlavalluru Mandal, Krishna District in the interest of justice and pass such other just orders.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

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ORDER:

It is stated that one Mr. Davuluri Peda Kotaiah, the forefather of the petitioner, had acquired large extents of lands during his life time in and around Illuru and Mulakapalli Village of Thotlavalluru Mandal. It is also stated that on 31-08-1963, a Joint patta bearing Nos.1 & 2 with regard to the land to an extent of Acs.307.43 cents situated in Survey Nos.1 to 5 and 7 to 10 of Mulakalapalli Village of Thotlavalluru Mandal and another patta No.205 with regard to the land to an extent of Acs.372.05 situated in R.S.No.82 to 101 and 116 to 118 of Illuru Village were issued in favour of twenty two persons, who are the legal heirs of late Davluri Peda Kotaiah, including the petitioner. Since then they have been paying property taxes and have been in peaceful possession and enjoyment of the lands-in-question. While so, the Sub-Collector, Vijayawada, the third respondent, had issued instructions to the Mandal Revenue Officer, Thotlavalluru, the fourth respondent, who in turn issued public notice dated 06-6-2005 stating that all the legal heirs of late Davluri Peda Kotayya were restrained from doing agricultural operations in the lands-in-question without prior permission. Thereafter, on 13-06-2005 the petitioner along with other family members approached the fourth respondent with all the relevant documents and filed one set of Xerox copies of the said documents. Now the petitioner filed this writ petition questioning the validity of the notice dated 06-06-2005 issued by the fourth respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The contention of the learned counsel for the petitioner that in the impugned notice neither survey numbers nor extent was mentioned, cannot be countenanced as the petitioner having received the impugned notice dated 06-06-2005 appeared before the fourth respondent on 13-06-2005 with all relevant documents. Therefore, I see no reasons to entertain the writ petition and the same is liable to be dismissed.

The Writ Petition is accordingly dismissed. However, the petitioner is at liberty to assail the correctness of the order that would be passed by the fourth respondent pursuant to the impugned notice dated 06-06-2005. No costs.

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(ELIPE DHARMA RAO, J)

Date:18-07-2005

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To

1 The District Collector, Krishna, Machilipatnam.
2 The Joint Collector, Machilipatnam, Krishna District.
3 The Sub Collector, Vijayawada, Krishna District.
4 The Mandal Revenue Officer, Thotlavalluru Mandal, Thotlavalluru, Krishna

District.
5 The Assistant Director of Survey, Machilipatnam, Krishna District.

6 Two CCs to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad. (O.U.T.)

7 One CC to Mr. Bhaskara Rao.

8 Two CD copies.